



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 205

(Patron – Marshall)

LD #: 06-3026396

Date: 12/14/2005

Topic: Restricting the residence of sexually violent offenders

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
Cannot be determined.
- **Local Adult Correctional Facilities:**
Cannot be determined
- **Adult Community Corrections Programs:**
Cannot be determined

- **Juvenile Correctional Centers:**
None (\$0)
- **Juvenile Detention Facilities:**
None (\$0)

Summary of Proposed Legislation:

The proposal adds § 18.2-370.03 restricting sexually violent offenders from maintaining a permanent residence (residing at one residence or location for more than 21 days) within 1,000 linear feet from a primary, secondary or high school. Violation is a Class 1 misdemeanor, while a subsequent violation is elevated to a Class 6 felony.

Analysis:

As of August 24, 2005, the Sex Offender and Crimes Against Minors Registry (SOR) contains the names of 11,950 offenders living in Virginia. Most (82%) are registered as sexually violent offenders (defined in § 9.1-902), for whom failing to comply with Registry requirements is a Class 6 felony. For the remainder (18%), failing to comply with the Registry as required is a Class 1 misdemeanor.

Specific residential requirements for sexually violent offenders are not mandated by the *Code of Virginia*; however, judges may include such restrictions when sentencing the offender for the original offense that required registration with SOR. Failure to abide by court ordered restrictions could trigger a probation revocation resulting in the re-imposition of all or part of a suspended sentence.

Impact of Proposed Legislation:

Adult state correctional facilities. By creating a new felony, the proposed legislation may increase the need for state-responsible (prison) bed space by the Commonwealth. Although existing databases do not provide sufficient information to estimate the number of convictions that would be likely to occur under the proposal, the felony provision requires a prior conviction for the newly defined misdemeanor; therefore, while the magnitude of the increase cannot be quantified, it is likely to be initially small.

Adult local correctional facilities. By creating new crimes, the proposal may increase the local-responsible (jail) bed space needs, but the number of additional beds cannot be determined.

Adult community corrections programs. The proposed legislation may increase the adult community corrections programs needs, but the impact cannot be determined.

Virginia's sentencing guidelines. Convictions under the proposed § 18.2-370.3 would not be covered by Virginia's sentencing guidelines as the primary offense in a case; however, convictions under the proposed statute may augment the guidelines recommendation if a covered offense is the most serious at conviction. No adjustment to the guidelines would be necessary under the proposal.

Juvenile correctional centers. According to the Department of Juvenile Justice (DJJ), no impact is expected on juvenile correctional centers (JCC) bed space needs.

Juvenile detention facilities. The Department of Juvenile Justice (DJJ) reports that no impact is expected on juvenile detention facilities bed space needs.

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities and is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

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